

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Holly D. Newsome,

Plaintiff,

v.

Case No. 2:18-cv-497

Commissioner of
Social Security,

Defendant.

ORDER

This matter is before the court for consideration of the March 11, 2019, report and recommendation of the United States magistrate judge to whom this case was referred pursuant to 28 U.S.C. §636(b). The magistrate judge concluded that the administrative law judge failed to provide good reasons for rejecting the opinion of Michael Sayegh, M.D., plaintiff's treating physician, that plaintiff was unable to sit for long periods of time without taking breaks. The magistrate judge recommended that the Commissioner's non-disability finding be reversed, and that this case be remanded to the Commissioner and the administrative law judge pursuant to 42 U.S.C. §405(g), sentence four, for further proceedings.

The report and recommendation specifically advised the parties that failure to object to the report and recommendation within fourteen days of the report "will result in a waiver of the right to have the District Judge review the Report and Recommendation *de novo*" and a "waiver of the right to appeal the decision of the District Court adopting the Report and Recommendation." Doc. 23, p. 16. The time period for filing objections to the report and recommendation has expired, and no party has objected to the report

and recommendation.

The court adopts the report and recommendation of the magistrate judge (Doc. 23). The decision of the Commissioner is reversed, and this case is remanded to the Commissioner and the administrative law judge under 42 U.S.C. §405(g), sentence four, for further proceedings consistent with the report and recommendation. The clerk shall enter judgment remanding this case to the Commissioner.

Date: March 27, 2019

s/James L. Graham
James L. Graham
United States District Judge